

PLANNING BOARD

Michael A. Podolski, Esq., Chair
John R. Bethoney, Vice Chair
Robert D. Aldous, Clerk
Ralph I. Steeves
James E. O'Brien IV

Planning Director
Richard J. McCarthy, Jr.
rmccarthy@dedham-ma.gov



Dedham Town Hall
26 Bryant Street
Dedham, MA 02026
Phone 781-751-9242
Fax 781-751-9225

Administrative Assistant
Susan Webster
swebster@dedham-ma.gov

**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

CERTIFICATE OF ACTION

**SPECIAL PERMIT
FOR
MAJOR NONRESIDENTIAL PROJECT AND MIXED USE DEVELOPMENT**



Applicant: Petruzziello Properties, LLC
Owner: Petruzziello Properties, LLC, 21 Eastbrook Road, Dedham, MA
Subject Property: 360 Washington Street, Dedham, MA
Date: May 18, 2017

PROJECT SUMMARY

Petruzziello Properties, LLC, proposes to redevelop the real estate known and numbered as 360 Washington Street, Dedham, MA. The Subject Property was formerly occupied by a two-story office building containing approximately 23,000 square feet of floor area. The Applicant has demolished this building. The Project consists of construction of a new three-story mixed use building¹ with a total floor area of approximately 21,412 net (34,138 gross) square feet. The first floor will contain approximately 7,100 net (7,400 gross) square feet of commercial space. It is anticipated that the first floor will contain a combination of retail and offices uses. The second and third floors of the new mixed-use building will each contain seven (7) one-bedroom apartments and two (2) two-bedroom apartments, for a total of fourteen (14) one-bedroom and four (4) two-bedroom apartments. The proposed building will be served by a parking garage under the building with a total of nineteen (19) parking spaces. The Project requires a Special Permit for a Major Nonresidential Project pursuant to Section 9.4 of the Dedham Zoning By-Law and a Special Permit for a Mixed Use Development pursuant to Section 7.4 of the Dedham Zoning By-Law. The Project also requires a Special Permit to allow the building height to be measured from Washington Street.

¹ As described further in this Certificate of Action, Applicant originally proposed a 4-story mixed use building with 27 apartments but the Project was revised during the course of the public hearings.

INTRODUCTION AND BACKGROUND

1. Petruzzello Properties, LLC (hereinafter referred to as "the Applicant"), of 21 Eastbrook Road, Dedham, MA, proposes to redevelop the real estate known and numbered as 360 Washington Street, Dedham, MA (hereinafter referred to as the "Subject Property").
2. The Subject Property, shown on Dedham Board of Assessors Map 92, Lot 64, contains approximately 12,208 square feet of land with over 121 feet of frontage on Washington Street.
3. According to the Dedham Zoning Map, the Subject Property is located in the Central Business (CB) Zoning District.
4. The Subject Property was formerly occupied by a two-story office building (previously utilized by the Norfolk District Attorney), which was recently demolished by Applicant. This building contained approximately 23,000 square feet of floor area and was served by a parking lot with only 8 parking spaces. Pursuant to Section 3.3.7 of the Dedham Zoning By-Law, the Applicant has the right to re-construct this building. Therefore, this Project may be considered a re-development project.
5. Initially, the Applicant proposed to construct a new four-story mixed use building at the Subject Property. The proposed building had a total net floor area of approximately 22,241 square feet. The first floor contained approximately 2,090 net square feet of commercial space for retail and/or offices uses. The second, third, and fourth floors of this proposed building each had approximately 6,717 net square feet of floor area and each contained seven (7) one-bedroom and two (2) two-bedroom apartments for a total of twenty (27) apartments.²
6. The initial Project contained a total of 30 interior parking spaces, of which 18 parking spaces were located in a lower level garage and 12 parking spaces were located on the first floor/ground level. Each parking level was accessible via its own curb-cut off of Washington Street.
7. There is a major elevation difference of approximately eight (8) feet between the front of the Subject Property (along Washington Street) and the rear of the Subject Property Street. The building height measured from Washington Street is approximately 39 feet.
8. Pursuant to Table 1 (Use Regulation Table) of the Dedham Zoning By-Law, the following uses are permitted as of right in the CB Zoning District and are therefore allowed as of right at the Subject Property (and not intended as an exhaustive list):
 1. Medical office
 2. Business or professional office
 3. Banks or financial institution
 4. Retail business
 5. Personal service establishments
 6. General service establishments

² The Applicant appeared before the Planning Board for a "scoping session". At that time, the Project contained a total of 33 apartments. Based upon comments and input from the Planning Board during the "scoping session," the Applicant reduced the Project to 27 apartments.

9. As indicated above, the Applicant proposes retail/and or office uses on the first floor and residential apartments on the upper floors at the Subject Property. As such, the Project falls within the definition of a "Mixed Use Development" under Section 10 of the Dedham Zoning By-Law. Pursuant to said Table 1 and Section 7.4 of the By-Law, Mixed Use Developments are allowed in the CB Zoning District upon issuance of a special permit by the Dedham Planning Board. As discussed below, the Dedham Planning Board is the Special Permit Granting Authority for all special permits required for this Project.
10. Table 2 (Table of Dimensional Requirements) of the Dedham Zoning By-Law sets forth the following dimensional requirements applicable to buildings in the CB Zoning District:
 1. Minimum Frontage: N/A
 2. Minimum Lot Area: N/A
 3. Minimum Lot Width: N/A
 4. Minimum Front Yard: N/A
 5. Minimum Side Yard: N/A
 6. Minimum Rear Yard: N/A
 7. Maxim Lot Coverage: 80 %
 8. Maximum Floor Area Ratio: 240%
11. As proposed, the Project satisfies all of the Dedham Zoning By-Law dimensional requirements for a building in the CB District with the exception of height (discussed further below).
12. Section 4.2.2 of the Dedham Zoning By-Law provides that buildings in a nonresidential zone may not exceed the height of 40 feet measured from the average finished grade of the lot within 20 feet of the outside walls of the building. However, Section 4.2.4 of the Dedham Zoning By-Law further provides for the issuance of a special permit to allow building height to be measured in a different manner "where the topography of the land, location of the building, its architecture or purpose of a structure or projection make adherence to the height limits impractical." As indicated above, the topography of the Subject Property (i.e., the approximate eight (8) foot elevation difference between the front and rear property lines) makes adherence to the height limits impractical. In addition, measuring the height of the building from Washington Street only yields a height of approximately 39 feet. Accordingly, the Applicant (defined below) requests a Special Permit to allow the building height be measured from Washington Street only. As discussed below, the Dedham Planning Board is the Special Permit Granting Authority to allow the building height to be measured in this manner.
13. Pursuant to Section 7.4.3.3 of the Dedham Zoning By-Law, "all Mixed Use Development shall provide at least one parking space per dwelling unit." Accordingly, the residential component of the initial Project required 27 parking spaces. Said Section 7.4.3.3 further provides that "Mixed Use Development shall provide additional parking for the non-residential uses per the requirements of Table 3 (Dedham Parking Table) of the Dedham Zoning By-Law expect that "Mixed Use Development in the CB District shall provide such addition parking, if any, for the nonresidential use as determined by the Planning Board to be sufficient to meet the needs of such Mixed Use Developments, taking into consideration complementary uses and activities having different peak demands, joint parking arrangements, the availability of on-street and public parking, and such other mitigating factors and measures as may be appropriate."
14. Based upon the above language about the shared parking inherent in a Mixed Use Development, the availability of on-street (metered parking), and the location to municipal parking lots, the Applicant submits that additional parking for the non-residential uses is not required and/or needed. Therefore, Applicant avers that the 30 parking spaces provided for the Project satisfies the Dedham Zoning By-

Law requirement. (It is also noteworthy that the recently demolished 23,000 square foot building provided only 8 parking spaces. Under the Dedham Zoning By-Law, that building would have required in excess of 50 parking spaces.)

15. Inasmuch as the Project contains in excess of 25,000 square feet of gross floor area, the same qualifies as a Major Nonresidential Project (MNP) as the same is defined in Section 10 of the Dedham Zoning By-Law.
16. Pursuant to Section 9.4.2 of the Dedham Zoning By-Law, a Special Permit from the Planning Board is required for an MNP. In addition, Sections 9.4.3.6 and 10 of the Dedham Zoning By-Law provide that if an MNP also requires other Special Permit, the Planning Board shall be the Special Permit Granting Authority for all such Special Permits. Section 7.4.2 provides that the Planning Board is the Special Permit Granting Authority for Mixed-Use Buildings.
17. On or about December 23, 2016, the Applicant submitted the following to the Planning Board (hereinafter referred to collectively as the "Application"):
 1. Special Permit Application for Major Nonresidential Project with Project Narrative (including Impact Assessment Statements, Waiver Requests, and Special Permit Request)
 2. Application for Abutters List
 3. Plan sets consisting of the following sheets prepared by Norwood Engineering, Inc., dated October 20, 2016, revised through December 22, 2016, unless otherwise noted:
 1. Existing Conditions Site
 2. Proposed Grading & Utilities Site Plan
 3. Profiles & Details Site Plan
 4. Construction Details Site Plan (2 pages)
 5. Legend & General Notes
 6. Proposed Site Photometric Plan, dated October 20, 2016
 4. Architectural renderings/drawings consisting of the following sheets prepared by McKay Architects:
 1. Proposed Garage Plan, dated November 2, 2016
 2. Proposed Ground Floor Plan, dated November 2, 2016
 3. Proposed Second Floor Plan, dated November 2, 2016
 4. Proposed Third Floor Plan, dated November 2, 2016
 5. Proposed Fourth Floor Plan, dated November 2, 2016
 6. Roof Plan, dated November 2, 2016
 7. Top Enlarge Floor Plan, dated October 28, 2016
 8. Bottom Enlarged Floor Plan, dated October 28, 2016
 9. Front & Right Side Elevations, dated October 28, 2016
 10. Rear & Left Side Elevations, dated October 28, 2016
 11. Wall Section, dated October 28, 2016
 12. Building Section (2 pages), dated October 28, 2016
 5. *"Community & Fiscal Impact Assessment Statement; Mixed-Use Development at 360 Washington Street, Dedham, MA"*

6. *Traffic Impact and Access Study* dated December 25, 2016, prepared by Bayside Engineering [Three (3) copies]
7. Stormwater Management Permit Application "package" dated October 25, 2016, prepared by Norwood Engineering, and submitted to the Dedham Conservation Commission
8. Filing Fee in the amount of \$1,150.00
9. Consultant Review Deposit in the amount of \$2,300.00
18. The Application requested Special Permits for the MNP, for the Mixed-Use Building, and to allow the height of the building to be measured from Washington Street only.
19. The Application was reviewed by the Planning Board and the Planning Director, and was determined to satisfy all of the submittal requirements for the filing of an application for a Special Permit for an MNP pursuant to Section 9.4 of the Zoning By-Law and for a Special Permit for a Mixed-Use Building pursuant to Section 7.4 of the Dedham Zoning By-Law.
20. The Planning Board provided copies of the Application to other Town of Dedham boards, agencies, and officials including, but not limited to, those enumerated in Section 9.4.3.2 of the Zoning By-Law. Pursuant to Section 9.4.3.3 of the Zoning By-Law these agencies are provided with a 35-day period to file reports with the Planning Board, and failure to so respond within such time frame constitutes approval by such agency of the adequacy of the submittal, and also that, in the opinion of the agency, the project will have no adverse impact.
21. In addition, the Planning Board referred the Application to McMahon Associates for peer review.
22. Pursuant to Sections 9 and 11 of G.L. c. 40A and the applicable provisions of the Zoning By-Law, the Planning Board caused notice of the public hearing to be published in *The Dedham Times*, a newspaper of general circulation in Dedham, on January 27, 2017, and February 3, 2017. In addition, the Planning Board mailed notice of said hearing to all abutters and others entitled to receive such notice under State law and the Zoning By-Law. Notice of the public hearing was also duly posted in accordance with State Law and the General By-Laws of the Town of Dedham.
23. After notice and publication were provided pursuant to M.G.L. Chapter 40A, Sections 9 and 11, the public hearing on the Application commenced on February 23, 2017, at the Dedham Town Office Building, 26 Bryant Street, Dedham, MA. The public hearing was continued to and reconvened on March 9, 2017, March 23, 2017, April 27, 2017, and May 18, 2017, at Dedham Town Office Building. The Planning Board closed the public hearing on May 18, 2017.
24. Present at each session of the public hearing were Planning Board Members³ Michael A. Podolski, Esq., Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O'Brien IV. Also present at all sessions of the public hearing on behalf of the Planning Board was Planning Director Richard McCarthy.

³ It is noted for the record that the Planning Board Member John E. Bethoney was not physically present at and did not participate in any meetings, discussions, or hearings related to this Application and Project due to a professional relationship with the Applicant.

25. As indicated above, the Planning Board retained McMahon Associates, Boston, MA, to conduct a professional peer review of the Project. Representatives from McMahon Associates were present at all sessions of the public hearing.
26. The Applicant was represented at all sessions of the public hearing by Peter A. Zahka, II, Esq., Law Offices of Peter A. Zahka, II, P.C., 12 School Street, Dedham, MA. Also present at the initial session of the public hearing on behalf of Applicant were Giorgio Petruzzello, Member/ Manager of Applicant.
27. The Applicant retained the following consultants who were present and made statements and/or presentations and/or submitted documentation during or for the public hearings:
 - a. Civil Engineering/Drainage/Environmental: David Johnson, Norwood Engineering, Inc.
 - b. Traffic: Kenneth Cram, Bayside Engineering, Inc.
 - c. Architecture: Michael McKay, McKay Architects
 - d. Fiscal: John Connery, Connery Associates
28. At each session of the public hearing, the Applicant was provided with the opportunity to make a full and complete presentation on the Project. The Applicant's presentation included a review of the various required and recommended impact standards set forth in Sections 9.4.6–9.4.12 of the Dedham Zoning By-Law, and the standards for special permits under Section 9.3.2 of the Dedham Zoning By-Law. The Applicant's presentation also included a review of the various conditions for Mixed-Use Developments as set forth in Section 7.4.3 of the Dedham Zoning by-Law.
29. This was followed by questions and comments from the Planning Board, the Planning Director, and the Planning Board's peer review consultant. At each session of the public hearing, the Planning Board accepted testimony and questions from the public.
30. In addition to testimony at the hearings, the Planning Board received a number of reports and other documents from the Applicant, the Planning Director, the peer review consultant, and other Town boards and agencies. Such reports and documents are listed on Exhibit A attached hereto and incorporated herein by reference.
31. At the session of the public hearing held on April 27, 2017, the Planning Board discussed and deliberated a suggested revision to the Project as outlined in a Memorandum of April 27, 2017, from Economic Development Director John Sisson and as further explained and supported at said session by Planning Director Richard McCarthy. Specifically, it was suggested that the Applicant consider revising the Project to eliminate the first/ground floor parking and utilize the space for expanded commercial space. Following said deliberation and discussion, the Planning Board requested the Applicant to consider (the economic feasibility of) eliminating the fourth floor of apartments (i.e., reducing the Project to a 3-story building) and replacing the first/ground floor parking area with expanded commercial floor area. In making this request, the Planning Board noted that the Applicant would need to address parking for such a revised Project. However, the Planning Board found that there were significant benefits in terms of the elimination of a curb-cut, reducing the building from four floors to three floors and the opportunity for increased retail space.
32. In response to the aforesaid request, the Applicant revised the Project and submitted plans and drawings depicting a three-story building with approximately 7,100 net square feet of commercial floor area on the first floor and eighteen (18) apartments on the upper floors (i.e., seven (7) one-bedroom and two (2) two-bedroom apartments on each of the second and third floors). As a result of the expanded first floor

commercial area, the first/ground floor parking area and the curb-cut related to the same have been eliminated. The revised Project is served by 19 parking spaces located in a lower level parking garage under the building accessed via the existing curb cut on Washington Street.

33. By Memorandum dated May 15, 2017, Economic Development Director John Sisson outlined a proposed "parking management plan" for Dedham Square. A major component of this plan was the agreement by the Norfolk County Commissioners to allow Post Office and other Dedham Square employees to utilize the rear of the parking lot behind the Norfolk County Registry of Deeds. Inasmuch as the Post Office and other Dedham Square employees currently utilize the municipal parking lot on Eastern Avenue as well as on-street parking in Dedham Square, the utilization of the County parking lot is predicted to have a significant impact on the availability of parking space in Dedham Square.
34. In response to requests by the Planning Board, the Planning Director, and the peer review consultant during the course of the public hearing, the Applicant made numerous revisions to the Project (as original submitted and/or as revised) and/or submitted supplemental material and/or explanations including, but not limited to, clarification of the traffic study components, parking calculations and analysis, providing Autoturn graphics, and revisions to the site design.
35. The Planning Board reviewed and considered the Project as revised at the session of the public hearing held on May 18, 2017. The Planning Board noted its appreciation for the efforts made by the Applicant to re-design the Project as suggested. The Planning Board was impressed with the Dedham Square "parking management plan" but desired a communication from the County Commissioners indicating their agreement with the same.
36. By letter dated May 22, 2017, Norfolk County Commissioner Francis O'Brien confirmed that the Norfolk County Commissioners voted to permit the aforesaid parking in parking lot behind the Norfolk County Registry of Deeds.

FINDINGS OF FACT

1. The Subject Property and the Project are shown on the plans described in Exhibit B attached hereto and incorporated herein by reference (hereinafter referred to as the "Record Plans").
2. The Subject Property, shown on Dedham Board of Assessors Map 92, Lot 64, contains approximately 12,208 square feet of land with over 121 feet of frontage on Washington Street.
3. According to the Dedham Zoning Map, the Subject Property is located in the Central Business (CB) Zoning District.
4. The Subject Property was formerly occupied by a 2-story office building (previously utilized by the Norfolk District Attorney) which was recently demolished by Applicant. This building contained approximately 23,000 square feet of floor area and was served by a parking lot with only 8 parking spaces. Pursuant to Section 3.3.7 of the Dedham Zoning By-Law, the Applicant has the right to reconstruct this building. Therefore, this Project may be considered a re-development project.
5. The Applicant *initially* proposed construction of a new 4-story mixed use building at the Subject Property. The proposed building had a total net floor area of approximately 22,241 square feet. The first floor contained approximately 2,090 net square feet of commercial space for retail and/or offices

uses. The second, third, and fourth floors of this proposed building each had approximately 6,7172 net square feet of floor area and each contained seven (7) one-bedroom and two (2) 2-bedroom apartments for a total of twenty (27). This building was to be served by thirty (30) interior parking spaces which would be accessed via two curb-cuts off of Washington.

6. Per the request and recommendation of the Planning Board, Planning Director, and Economic Development Director, the Applicant revised the Project to eliminate one floor of apartments, expand the commercial space on the first floor, and eliminate one of the curb-cuts off of Washington Street. Specifically, the Project, as revised, consists of a 3-story 34,138 gross square foot mixed use building. The first floor of this building contains approximately 7,400 gross (7,100) net square feet of commercial floor area. The second and third floors of this building will have combined approximately 14,312 net square feet of floor area and will each contain seven (7) one-bedroom and two (2) 2-bedroom apartment (for a total of eighteen (18) apartments).
7. The Project, as revised, will have a total of nineteen (19) parking spaces serving the proposed mixed-use building. The parking spaces will be in a lower level parking garage located under the building. All spaces will be accessible by a single (existing) curb cut from Washington Street.
8. Inasmuch as the Project contains in excess of 25,000 square feet of gross floor area, the same qualifies as a Major Nonresidential Project (MNP), as the same is defined in Section 10 of the Dedham Zoning By-Law. Pursuant to Section 9.4.2 of the Dedham Zoning By-Law, a Special Permit from the Planning Board is required for an MNP. In addition, Sections 9.4.3.6 and 10 of the Dedham Zoning By-Law provide that if an MNP also requires other Special Permits, the Planning Board shall be the Special Permit Granting Authority for all such Special Permits. Section 7.4.2 provides that the Planning Board is the Special Permit Granting Authority for Mixed-Use Buildings.
9. With the exception of the Mixed Use Development (for which a Special Permit has been requested), the proposed uses for the Project are permitted as of right at the Subject Property. Specifically, Paragraphs A.5, D.1, D.2, D.3, E.1, E.3, E.4, and E.5 of Table 1 (Use Regulation Table) of the Dedham Zoning By-Law provide, respectively, that medical offices, business or professional offices, banks or financial institutions, small retail businesses, retail businesses, personal service establishments, and general service establishments are allowed as of right in a CB Zoning Districts.
10. With the exception of height (for which a Special Permit has been requested), the Project complies with the dimensional and density requirements of the Dedham Zoning By-Law including those set forth in Table 2 (Table of Dimensional Requirements) of the Dedham Zoning By-Law.
11. The Applicant has requested a Special Permit to allow the height of the proposed building to be measured from Washington Street. Relative to the Special Permit for height, Section 4.2.4 of the Dedham Zoning By-Law provides that "where the topography of the land, location of building . . . make adherence to the . . . height limits impractical . . . [a] special permit . . . [may] allow height to be measured in a different manner." Specially, Applicant has requested to be allowed to measure the building height from Washington Street only. There is an eight (8) foot elevation difference between the front on the building on Washington Street and the back of the building rendering adherence to the height limits impractical. In addition, measuring the height of the building from Washington Street only yields a height of approximately 39 feet. As such, the proposed building is consistent with other commercial buildings in the vicinity.

12. The Planning Director and the peer review consultant reported to the Planning Board that the Applicant has reasonably and adequately responded to all of their comments and concerns and that Record Plans conform (except for the requested Special Permits) to the requirements of the Dedham Zoning By-Law.
13. The Project will generate positive fiscal benefits to the Town. In addition, the Project is anticipated to generate approximately \$57,000 in building permit fees.
14. The traffic impact from the Project itself is anticipated to be minimal.
15. The parking as shown on the Record Plans is designed according to the standards set forth in the Dedham Zoning By-law.
16. The nineteen (19) parking spaces for the Project satisfy the parking space requirement under the Dedham Zoning By-Law. The Planning Board finds that the parking spaces provided are sufficient and adequate on a "shared parking" basis for the commercial and residential aspects of the Project (since the demand for parking spaces by the residents are primarily at times when the commercial businesses are closed and not using said spaces). In addition, the Planning Board noted that the Dedham Square "parking management plan" would significantly improve the availability in the municipal parking lot on Eastern Avenue as well as on-street parking throughout Dedham Square.
17. The Project will make significant improvements to the stormwater management and drainage of the Subject Property as well as the surrounding area.
18. The Applicant's proposed used does not generate or emit odors, dust, fumes, gas, or other harmful agents.
19. The proposed lighting has been designed to prevent any light spill at the property lines.
20. Electricity, gas, water, sewer, and other required utilities are readily available at the Subject Property.
21. The proposed building and improvements within the Project are consistent with the character of the underlying zoning district and in the vicinity of the Project.
22. In addition, the Project has been submitted to and is being reviewed by the Dedham Conservation Commission for purposes of a Stormwater Management Permit.
23. Pursuant to Section 9.4.13 of the Dedham Zoning By-Law, the Planning Board is required to make written findings on whether the Application meets each of the required and any applicable recommended traffic, environmental, community and fiscal standards as set forth in Sections 9.4.7 – 9.4.12 of ZBL, and whether the Application as a whole substantially conforms to the intent of the Dedham Zoning By-Law and proposes an appropriate and beneficial development of the Subject Property. As set forth in Paragraphs 1 to 22 , inclusive, above, and in light of the conditions set forth in the Decision, below, the Planning Board finds that the Project and site plan conform to the criteria set forth above and that the public health, safety, and welfare have been ensured.
24. The Planning Board further finds that the Project satisfies the conditions for Mixed Use Developments set forth in Section 7.4.2 of the Dedham Zoning By-Law.

DECISION

At its duly posted meeting on May 25, 2107, the Planning Board unanimously (4-0)⁴ voted that (a) after considering the factors set forth in Sections 9.3.2 and 7.4.2 of the Dedham Zoning By-Law, the requested Special Permits for the MNP, for the Mixed Use Development, and to allow the height of the building to be measured from Washington Street, be granted because the adverse effects of the uses contained in the proposed Project will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the Subject Property, and of the proposed Project in relation to the Subject Property, (b) that the requested Special Permits may be granted pursuant to Section 9.4 of the Zoning By-Law because the Application and the Project satisfy the required and the recommended standards set forth therein, and (c) that the Project, as shown on the Record Plans, is approved with all requested Special Permits upon the following terms and conditions:

1. Subject to the **CONDITIONS** contained herein, the Project shall be substantially constructed in accordance with the Record Plans.
2. The Project shall be limited to the buildings and improvements shown on the Record Plans including a new 3-story mixed-use building with a total floor area of approximately 34,138 square feet of which the first floor will contain approximately 7,100 net (7,400 gross) square feet of commercial space and the second and third floor combined will have approximately 14,312 net square feet of floor area and will each contain seven (7) one-bedroom and two (2) two-bedroom apartments (for a total of eighteen (18) apartments).
3. If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications in accordance with the provisions of this paragraph. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for a Special Permit for an MNP shall apply to such modification, and a public hearing shall be required by the Planning Board; provided, however, that the Planning Board may determine that a proposed modification is insubstantial and approve the same without the need for any further Planning Board public hearings.

The Planning Board shall determine whether any modifications for the Project are substantial or insubstantial. In making such determination, the following shall be presumed to constitute **INSUBSTANTIAL MODIFICATIONS**:

- a. All underground changes
- b. Lowering height of the highest area of the roof
- c. Any reduction in Project size including reducing the square foot of floor area of the building by not more than ten (10%) percent
- d. Any minor change in colors or style of materials used for exterior construction

⁴ It is noted for the record the Planning Board Member John E. Bethoney was not physically present at the meeting and did not participate in this vote

- e. Except as provided otherwise in this Decision, the inability of the Applicant to perform under any Condition due to the failure of any other board, agency, committee, or department of the Town of Dedham to grant or issue any permit, license or other approval for the same.

The foregoing list is not intended to be an exclusive list of insubstantial modifications but the items listed are intended as examples of insubstantial modifications.

In making such determination, the following shall be presumed to constitute **SUBSTANTIAL MODIFICATIONS**, subject to confirmation by the Planning Board by majority vote at a public meeting. The Planning Board may determine that any particular change or any other change is insubstantial and may delegate the same to the Planning Director for processing by such vote.

- a. Increase in the size of the Project including square foot of floor area
- b. Any change in the uses that results in an increase in parking demand for the Project
- c. Changes to the buildings or grading that increase a building's height beyond that shown on the Record Plans.

Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.

4. If any Condition imposed in this Decision requires a permit, license, or other approval from any other board, committee, or agency of the Town of Dedham, or other regulatory agency of the Commonwealth or the federal government, the Applicant shall make an appropriate application for the same.
5. The Special Permit to allow the height of the building to be measured from Washington Street only is approved and granted on the condition that the height of said building as measured from Washington Street shall not exceed forty (40) feet measured to the high point of the roof.
6. A preconstruction conference with town departments shall be held prior to the commencement of construction of the Project. For the purposes of this decision, "commencement of construction" shall occur when site work commences on the Project has been initiated. The contractor shall request such conference at least fifteen (15) days prior to commencing construction by contacting the Planning Director and/or Building Commissioner in writing. At the conference, a schedule of inspections shall be agreed upon by the Applicant, the Board, and other municipal officials or boards. The Applicant shall provide the Town of Dedham with emergency contact numbers, as well as the name and telephone number of a designated owner's representative for all Project-related communication. The Town of Dedham will provide similar contact information to the Applicant.
7. Members of the Planning Board and the Planning Director shall be permitted access to the project site during construction with proper notification to the applicant subject to applicable safety requirements as established by the Applicant or its Contractor. Proper notification shall be through the construction trailer sign-in process, or shall be through the emergency call number of the Applicant's representative in case of emergency or off-hours situations.
8. During construction of the Project, the Applicant shall conform to all local, state and federal laws regarding noise, vibration, dust, and blocking of Town roads. Exterior construction of the Project shall not commence on any weekday before 7:00 a.m. and shall not continue beyond 8:00 p.m., except for certain operations such as concrete finishing and emergency repairs. Exterior construction shall not commence on Saturday before 7:00 a.m. and shall not continue beyond 8:00 p.m. with the same

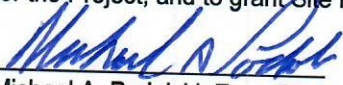
exceptions. The Building Commissioner may allow longer hours of construction in special circumstances, provided that such activity normally is requested in writing by the Applicant except for emergency circumstances, where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforced by the Dedham Building Commissioner and Police Department.

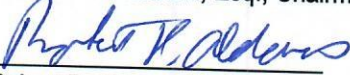
9. Prior to the start of any Project site construction work, the Applicant shall submit a comprehensive Construction Management Plan to the Planning Director for review and approval. The Plan shall include, but not be limited to the following requirements:
 - a. The Applicant shall be responsible for the cleanup of construction debris, including the tracking of dirt by construction vehicles, which shall be conducted on a daily basis on public ways within 100 yards from the entrance to the Project construction site.
 - b. The Applicant shall submit a proposed truck route for construction vehicles for review and approval by the Planning Director and Dedham Police Chief. The Applicant shall provide each Contractor with a copy of the approved truck routes.
 - c. The limit of construction areas shall be clearly delineated at all times during the construction phase.]
 - d. No dumping, burning or storage of any waste materials shall be permitted on the Subject Property. During construction, waste materials may be temporarily stored pending removal, provided that such waste materials shall not constitute a hazardous condition and that all waste materials subject to being windblown are secured. Nothing contained herein shall be deemed to permit activities otherwise prohibited by applicable law, order, rule, regulation, code or by-law.
 - e. All equipment and material staging shall be located on the Subject Property or on adjacent property owned by the Applicant, to the extent possible. Any off-site staging shall be subject to the approval of the Dedham Police Chief.
10. The Applicant shall provide the Planning Board with a copy of the Operation and Maintenance Plan approved by the Dedham Conservation Commission, which plan is incorporated herein by reference.
11. Dumpsters shall be constructed and maintained in strict compliance with all Dedham Zoning Bylaws and all Board of Health Regulations.
12. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.
13. Upon leasing the commercial space, Applicant shall provide a written report to the Planning Board containing the name of the tenant(s) and use(s), and the size of the delivery trucks necessary for the same. In the event that such tenant(s) require trucks larger (i.e., trucks that cannot utilize the on-site parking or a single on-street parking space) Applicant will submit a proposed delivery schedule and shall apply to the Town of Dedham DPW and/or Board of Selectmen (or other appropriate Town board or agency) for posting the on-street parking in front of the building as no parking/loading zone during certain hours for deliveries.

14. The site lighting will be checked by the Planning Board and/or its agent prior to an occupancy permit being granted in order verify adequacy of the lighting levels on and off site and whether or not off-site glare has been created. If necessary, the Applicant shall adjust the lighting levels prior to an occupancy permit being issued.
15. Applicant agrees that no later from one year from the date of this Certificate of Action the Applicant shall file a written report with the Planning Director detailing the progress of the Project and compliance with all terms and conditions of this certificate and the expected completion date. The Planning Board reserves the right to require the Applicant to appear before the Planning Board to further discuss and review compliance with this Certificate of Action.
16. The Planning Director will be contacted by the Applicant upon completion of the Project to verify the project has been completed in full compliance with the specifications of the plan as submitted and approved in this Certificate of Action prior to any occupancy permit being issued, including a certification by the Applicant's engineer that the Project has been constructed according to said plans. A compliance letter will be issued forthwith once found to be properly completed.
17. Following construction of the Project, the Applicant shall provide an "as-built" site plan to the Planning Board, the Building Department and the Board of Assessors prior to the issuance of the final certificate of occupancy for buildings in the Project in accordance with applicable regulations.
18. All invoices generated by the Board's peer reviewers during the Application stage shall be paid within twenty days of the filing of this decision with the Town Clerk, whether this Decision is appealed or not. No post-permit reviews of documents or plans shall be conducted until such invoices have been paid in full. No building permit or certificate of occupancy shall be issued until such invoices have been paid in full.
19. All municipal taxes and fees shall be paid in full and all taxes accounts shall be in good standing prior to the issuance of any building permit.

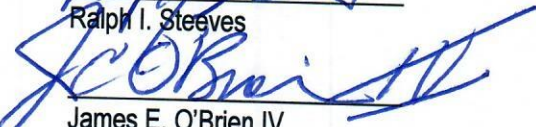
RECORD OF VOTE

The following members of the Planning Board voted to approve the Project, grant the requested Special Permits for the Project, and to grant Site Plan Approval for the Project, subject to the above stated conditions:


Michael A. Podolski, Esq., Chairman


Robert D. Aldous, Clerk


Ralph I. Steeves


James E. O'Brien IV

The following members of the Planning Board voted to deny the Project, Special Permits, and Site Plan Approval: None.

In accordance with MGL Chapter 40A, Section 11, no Special Permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

EXHIBIT A

DOCUMENT LIST

1. Peer Review Report dated February 1, 2017, from McMahon Associates to Planning Director Richard McCarthy
2. Peer Review - Issues Summary dated February 1, 2017, from McMahon Associates to Planning Director Richard McCarthy
3. Memorandum (Response to Peer Review Report) dated March 31, 2017, from Bayside Engineering to Planning Director Richard McCarthy
4. Memorandum (Response to Peer Review of the Traffic Impact and Access Study) dated March 31, 2017, from Bayside Engineering
5. Email (with attached revised façade proposal) dated April 6, 2017, from Michael McKay Architect to Planning Director Richard McCarthy
6. Peer Review Report dated April 20, 2017, from McMahon Associates to Planning Director Richard McCarthy
7. Peer Review - Issues Summary dated April 20, 2017, from McMahon Associates to Planning Director Richard McCarthy
8. Memorandum (Response to Peer Review Report) dated April 24, 2017, from Bayside Engineering to Planning Director Richard McCarthy
9. Email dated April 25, 2017, from Police Chief Michael D'Entremont to Planning Director Richard McCarthy
10. Memorandum dated April 26, 2017, from Director of Engineering Jason L. Mammone, P.E., to Planning Director Richard McCarthy
11. Memorandum dated April 27, 2017, from Economic Development Director John Sisson to Dedham Planning Board and Planning Director Richard McCarthy
12. Letter (Response to Director of Engineering Memorandum) dated April 27, 2017, from Norwood Engineering Co., Inc.
13. Memorandum (Re: Traffic Impacts from Project Change) dated May 15, 2017, from Bayside Engineering
14. Memorandum (Re: Dedham Square Parking Management Plan) dated May 15, 2017, from Economic Development Director John Sisson to Dedham Planning Board and Planning Director Richard McCarthy
15. Memorandum (Re: Parking Change) dated May 17, 2017, from Bayside Engineering to Planning Director Richard McCarthy

16. Peer Review Report dated May 17, 2017, from McMahon Associates to Planning Director Richard McCarthy
17. Peer Review - Issues Summary dated May 17, 2017, from McMahon Associates to Planning Director Richard McCarthy
18. Memorandum dated May 17, 2017, from Director of Engineering Jason L. Mammone, P.E., to Planning Director Richard McCarthy
19. Email dated May 18, 2017, from Dedham Fire Chief William Spillane to Planning Director Richard McCarthy
20. Email dated May 18, 2017, from Dedham Square Circle to Planning Director Richard McCarthy
21. Memorandum (Response to Peer Review Report) dated May 18, 2017, from Bayside Engineering to Planning Director Richard McCarthy
22. Email (with attached plans and O&M Plan) dated May 18, 2017, from Norwood Engineering Co., Inc., to Planning Director Richard McCarthy
23. Email dated May 18, 2017, from Economic Development Director Richard Sisson to Planning Director Richard McCarthy
24. Email dated May 19, 2017, from Dedham Fire Chief William Spillane to Planning Director Richard McCarthy
25. Peer Review - Issues Summary dated May 19, 2017, from McMahon Associates to Planning Director Richard McCarthy
26. Memorandum (Response to Peer Review Report) dated May 23, 2017, from Bayside Engineering to Planning Director Richard McCarthy
27. Letter dated May 22, 2017, from Norfolk County Commissioner Francis O'Brien to Planning Board Chairman Michael Podolski re: parking in County lot

EXHIBIT B

RECORD PLANS

1. Plan set consisting of the following sheets prepared by Norwood Engineering, Inc., dated October 20, 2016, revised through May 23, 2017, unless otherwise noted:
 1. Existing Conditions Site
 2. Site Layout Plan
 3. Site Grading & Utilities Site Plan
 4. Profiles & Details Plan
 5. Construction Details (2 pages)
 6. Details, Legend & General Notes
2. Architectural renderings/drawings consisting of the following sheets prepared by McKay Architects :
 1. Building Rendering dated June, 2017
 2. Proposed Garage Plan, dated May 8, 2017
 3. Proposed Ground Floor Plan, dated May 8, 2017
 4. Proposed Second Floor and Third Floor Plan, dated May 8, 2017
 5. Front Elevation
 6. Right Side Elevation
 7. Rear Elevation
 8. Left Side Elevations